

*These notes refer to the Offender Management Act 2007
(c.21) which received Royal Assent on 26 July 2007*

OFFENDER MANAGEMENT ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Probation Services

Section 2: Responsibility for ensuring the provision of probation services

24. This section sets out the functions of the Secretary of State.
25. *Subsection (1)* states that it is the function of the Secretary of State to ensure that sufficient provision is made for probation purposes (as described in the previous section) and for probation functions of the Secretary of State in other legislation. Similar functions to those set out in this currently rest with local probation boards under section 5 of the 2000 Act.
26. *Subsection (2)* states that the Secretary of State is to discharge his function in relation to any probation provision by making arrangements under section 3. Those arrangements will normally involve the making of contracts with a provider of services, but there is also the possibility of non-contractual arrangements or of the services being provided by the Secretary of State directly.
27. *Subsection (3)* requires the Secretary of State to have regard to aims in the exercise of his probation functions under subsections (1) and (2).
28. *Subsection (4)* sets out those aims, which replicate the ones currently set out in section 2(2) of the 2000 Act.
29. *Subsection (5)* makes clear that the Secretary of State does not need to take action under this section if he is satisfied that adequate provision will be made under other arrangements.